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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

THE UNITED STATES OF AMERICA,)
) No. CR 06-157 MJP
Plaintiff,)
)
vs.)
)
HENRY C. ROSENAU,)
)
Defendant.)
_____)

VERBATIM TRANSCRIPT OF PROCEEDINGS
OF
A DETENTION HEARING
BEFORE THE HONORABLE BRIAN A. TSUCHIDA, MAGISTRATE JUDGE
5/4/2011
APPEARANCES
For Plaintiff: Ye-Ting Woo
For Defendant: Craig Platt

Transcribed from electronic sound recording
Transcript produced by transcription service

Transcribed by Brian Killgore

1 (Proceedings of 5/4/2011)

2 THE CLERK: Your Honor, we are back on the record.
3 The next matter is scheduled as a detention hearing in the
4 United States of America v. Henry Rosenau. The cause number
5 is CR 6-157, a matter assigned to Judge Pechman.

6 Will counsel please make their appearance for the
7 record?

8 MS. WOO: Good afternoon, Your Honor, Ye-Ting Woo.
9 I am standing in for Susan Roe with the United States
10 Attorney's Office.

11 THE COURT: And Ms. Woo, good afternoon.

12 MR. PLATT: Good afternoon, Your Honor, Craig
13 Platt for Mr. Rosenau who is seated to my left. He

14 THE COURT: And Mr. Platt, good afternoon, and Mr.
15 Rosenau, good afternoon.

16 We are here for your detention hearing, and I did
17 receive an updated US Pretrial Services report, and Ms. Woo,
18 is the government still seeking detention in this case?

19 MS. WOO: Yes, we are, Your Honor. Would you like
20 me to approach?

21 THE COURT: Sure.

22 And one of the things I am very curious about is this
23 case, I think in a week or so, will literally be five years
24 old? And --

25 MS. WOO: Yes, approximately. It was -- the

1 original indictment was returned in May of 2006. The arrest
2 by the defendant occurred on September 21, 2005. This was
3 the arrest by Canadian authorities back in September 2005.

4 Because I am not the attorney of record on the case, it
5 is my understanding that the extradition has been pending
6 for several years -- because of the fact that the defendant
7 having contesting extradition, and it wasn't until recently
8 when the British Columbia courts, Canada courts issued an
9 order of surrender that he was then escorted by Canadian law
10 enforcement to the border this morning and transferred over
11 to the marshals' custody for transportation to court --
12 well, not this morning, I'm sorry, on the day of his initial
13 appearance.

14 So we are seeking that the defendant be detained
15 pending trial. There are a number of reasons that are
16 related to the facts in the case, as well as due to the
17 efforts to extradite him, the many years it has taken for
18 the government to seek his appearance in court in the United
19 States. That has been pending for several years.

20 I understand that Pretrial Services is recommending
21 release. The one distinction that I would point out to the
22 Court is that this is a rebuttable presumption case. The
23 defendant is seeking a 10 year mandatory minimum on at least
24 count 2 in the indictment; the fact that it is a rebuttable
25 presumption case is not considered by Pretrial Services. It

1 is part of their policy not to take that into consideration,
2 so that is one distinction I would point out to the Court.

3 In this situation, the defendant is a Canadian citizen.
4 The allegations here are -- that come from the underlying
5 extradition record that was discussed before the Court in
6 Canada indicates that during the years 2004 and 2005, that
7 this defendant was involved in flying 29 loads of marijuana
8 from Canada to the United States, totaling between 11,000
9 and 13,000 pounds of marijuana.

10 He was the pilot for a helicopter, and he was
11 responsible for those loads, working with co-conspirators
12 whose cases, as I understand it, have now been resolved.

13 On September 21, 2005, he was arrested by Canadian
14 authorities after he had dropped off a load of 1128 pounds
15 of marijuana, which had been seized on the US side, along
16 with his codefendants were arrested at that time.

17 When he was arrested by Canadian authorities on
18 September 21, 2005, he had a loaded gun underneath the
19 pilot's seat of his helicopter. He had night vision
20 goggles, satellite phones. He had also taped over one of
21 the letters that are on the helicopter in order to change
22 the letter from an F to a B, as I understand it, in order to
23 prevent identification of that helicopter.

24 A couple of years ago, as well, he had been interviewed
25 by the previous primary ICE agent in this case, Jesse

1 Miller, and he had made a statement to Mr. Miller that he
2 would not make himself available to face charges in the
3 United States, and of course that was I think at the
4 beginning of the extradition proceedings.

5 He does -- is working, but I also would note that he
6 has access to funds and to assets that if he were to flee or
7 to make himself unavailable in the United States, he has the
8 ability to do that.

9 He had recent -- well, I suppose it is not recent, but
10 he has had international travel since this case was filed.
11 I believe he indicated that he went to Costa Rica in 2006 or
12 2007.

13 It is interesting to note that his -- I believe it is
14 his girlfriend Veronica Schwartz, had stated that the
15 defendant does not travel internationally, but as this court
16 is aware, this case does involve the defendant traveling
17 internationally on a regular basis, using a helicopter in
18 which he was able to avoid, on a number of instances, any
19 detection by border patrol authorities or transportation
20 authorities.

21 So for all of those reasons, we would ask the Court to
22 find that there are no factors or combination of factors
23 that would assure his appearance in the United States to
24 face these charges if he were allowed to be released on bond
25 and to return to Canada.

1 The other risk that we face, of course, is that if the
2 defendant chooses not to return to the United States for any
3 of the future court appearances, we then have to initiate
4 yet another extradition proceeding, which would likely take
5 a lengthy period of time so that the defendant may assert
6 whatever rights he is afforded to in Canada to oppose any
7 warrant that is issued by this court for his arrest for
8 failure to appear on that bond.

9 So for those reasons, we would ask the Court to
10 permanently detain the defendant pending trial.

11 THE COURT: Just one point of clarification.

12 MS. WOO: Yes?

13 THE COURT: You had indicated there had been prior
14 law enforcement contact, US law enforcement contact with Mr.
15 Rosenau, and there was some kind of conversation about, "I
16 am not going to make myself available." Is this some kind
17 of discussion about him coming back?

18 MS. WOO: It was -- my understanding is that it
19 was a discussion about him essentially self surrendering --
20 submitting on the extradition and to come to the United
21 States to face the charges, and that this conversation
22 occurred a couple of years ago, and the defendant indicated
23 to the agent at that time that he did not believe the US had
24 the ability to extradite him, and that he would not
25 voluntarily face the charges in the United States. Thank

1 you.

2 THE COURT: And Mr. Platt, go ahead, please.

3 MR. PLATT: Thank you, Your Honor.

4 Your Honor, before I begin, I would like to address a
5 few facts here, and I still don't have discovery, so to
6 begin with, I would orally renew our request for discovery
7 in this matter. However, I have been in touch with some of
8 the attorneys up in Canada, and with respect to the timeline
9 here, it is my understanding that there was initial contact
10 around the time of the events alleged in 2005.

11 It is unclear whether or not that was actually a formal
12 arrest or merely an interrogation at that time. What is
13 clear is that there was a superseding indictment issued in
14 2008 on 9/17.

15 I have talked to his attorney up there, Gary Botting,
16 who informs me that they were not notified of the charges
17 here, and that actually he was simply arrested without any
18 notice at that time, and that relates to the supervision
19 that has already occurred on this matter as part of the
20 extradition, which I would like to address.

21 He is maintaining his innocence as far as the
22 allegations made by the government in this case, and we
23 think that is very important here, because the government is
24 saying that under 3142, there is this rebuttable
25 presumption. We feel that we can rebut that presumption

1 with the information that is contained in the Pretrial
2 Services report, the information I have for the Court now.

3 Our request is for personal recognizance under
4 3142(a)(1), and our position is that this is sufficient for
5 the reasons that we will indicate, and that it is not
6 necessary to have additional conditions, although we have
7 reviewed the conditions proposed by Pretrial Services; they
8 do seem appropriate: Employment, travel restrictions, no
9 contact with witnesses.

10 Supervision by Pretrial Services is available, which I
11 have confirmed with their office. There is this special
12 program where they can supervise individuals who are
13 residing in Canada, and they have confirmed that they are
14 willing and able to do that.

15 There is no problem with weapons. He has no weapons at
16 this time. There is no issue whatsoever with drugs or
17 alcohol, all of which is contained in the report, and we
18 would not oppose any other conditions the Court may feel are
19 appropriate.

20 There are a lot of factors that point to the fact that
21 Mr. Rosenau is not a flight risk, and that he will appear
22 and that these conditions will be sufficient to assure his
23 appearance.

24 There is no showing that he has ever obstructed
25 justice, that he has ever been violent, that he has

1 interfered with witnesses. There is no showing of
2 dangerousness, and there is no showing of failure to comply.

3 About the only real support for the government's
4 position here is that Mr. Rosenau elected to contest the
5 extradition. That is his legal right to do and that in and
6 of itself is not sufficient as a ground to hold him.

7 Now Mr. Rosenau has no criminal history whatsoever. He
8 is 60 years old, and he has absolutely nothing in his record
9 to indicate that he would be a flight risk. In fact he is
10 in the unusual position as someone with no prior criminal
11 history -- of having a track record of supervision because
12 of the extradition proceedings, and that track record is
13 100% positive.

14 He has lived in -- and I will get back to that at the
15 end here, but he has lived in British Columbia for his
16 entire life, except for one year in Alberta. He attended
17 high school in a town with the name 100 Mile House, where he
18 married his childhood sweetheart at the age of 18. They
19 were married for a lengthy period of time and have separated
20 since, but they remain on good terms, which again speaks to
21 his character.

22 He has a significant other at this time of almost 10
23 years, Ms. Veronica Schwartz, referred to by the government
24 as his girlfriend. She is 60 years old and another
25 compelling reason for him not to take off here is that she

1 has stage III cervical cancer, and he is assisting with her
2 care.

3 With respect to employment, he has two different jobs.
4 He works in heavy equipment, which he has done since he was
5 a young man. He is a commercial truck driver. He works for
6 Lomack in the mining business, driving these large trucks up
7 in the outback of British Columbia.

8 He also works for Mac Track Roadbuilding. His
9 supervisor there, Don McDonald, is actually going to provide
10 a letter of recommendation for him, and he has that job
11 waiting, if he is released.

12 He has no history whatsoever of involvement with drugs.
13 He is tested by his employer, and so there is verification
14 of that. He has not had any alcohol for nine years. He had
15 quit drinking, not because he had a problem, but as part of
16 an agreement with his significant other so that she would
17 quit smoking and he said he would stop drinking -- but he
18 has no history of alcoholism, no history of counseling, no
19 history of mental health issues.

20 He has no weapons in his possession, no history of
21 gambling, no domestic violence.

22 With respect to residence, he would reside at 4605
23 Highway 97 South -- that is in Quesnel, Q-U-E-S-N-E-L,
24 British Columbia. He has strong family ties in British
25 Columbia. He has a daughter 29 years old, Jacqueline

1 Gagnon. I have been in touch with Jacqueline and she does
2 verify that she will support her father if he is released.

3 He also has a 94-year-old mother, Bessie Higgins, and
4 her husband, John Higgins, who is also basically dying of
5 cancer. He is 84 years old, I think.

6 As far as financial resources, they are somewhat
7 limited, but our position is that that makes him even less
8 of a flight risk. He doesn't have the means to be able to
9 leave what he has. He does have a residence there that he
10 owns and is in a positive state with the mortgage.

11 He does have some tools and old vehicles, which again
12 would indicate that he would want to stay there because that
13 is part of his livelihood.

14 Now back to the supervision. As I said before, this
15 event occurred in 2005. He was arrested on a warrant in
16 2008. He did have representation recently by Gary Botting,
17 who is an extradition attorney in Canada I have talked with
18 quite a bit.

19 Mr. Botting confirmed that there was no prior notice of
20 the charges -- and he first found out when he was arrested;
21 however, when he was arrested he obtained counsel and he was
22 advised to contest the extradition, although he was told
23 that there would probably be a minimal chance that he would
24 prevail on that.

25 He did pursue his remedies, and although he was told

1 that he had no real chance, it is not necessarily a flight
2 risk if you avail yourself of legal process. And that is
3 the whole point; he didn't take off. He has had three years
4 to take off and he didn't do it. He stayed around and he
5 availed himself of appropriate legal process with
6 representation.

7 THE COURT: So just to make clear in my mind, you
8 are saying that in Canada, although there was this arrest
9 warrant and extradition process, that he was actually in the
10 community?

11 MR. PLATT: That is correct. He was released
12 shortly after the arrest in, I believe, mid-2008, and he was
13 supervised through the RCMP in the Quesnel office. I have
14 contacted them personally; Pretrial Services has also been
15 in contact with them.

16 I was able to get confirmation of the supervision,
17 although we couldn't get all of the specifics because the
18 person, the staff sergeant responsible is off this week.
19 However, it is clear that he did not take off; that he had
20 to report twice a week for the first year-and-a-half
21 following that arrest; that he had no violations of pretrial
22 or pre-extradition supervision. He also had a curfew from
23 11:00 until 7:00 in the morning, and was not allowed to stay
24 over anywhere other than his residence unless he gave two
25 days' notice, and that only could be if it was in

1 conjunction with his work duties.

2 So he had a perfect track record of supervision, which
3 is highly unusual for someone with no criminal history, but
4 he has had three years to prove himself.

5 Eventually, these conditions were reduced, because he
6 was doing so well. His adjustment was excellent.

7 So again, even when the conditions were reduced, he
8 didn't take off. He stuck around, availed himself of legal
9 process.

10 As the extradition progressed, however, it was pursued
11 through the courts in Canada, as is his right, and
12 ultimately it became clear that he was probably not going to
13 prevail on that.

14 Now at that point he, instead of taking off, or waiting
15 to be arrested, he made arrangements through counsel to turn
16 himself in to the authorities. I have confirmed that with
17 Mr. Botting.

18 In addition, I spoke with an attorney from the Canadian
19 Department of Justice, a Mr. Nazub (phonetic), and he was
20 responsible for their end of the extradition proceedings.
21 He personally confirmed to me in a telephone conversation
22 that Mr. Rosenau did in fact turn himself in early; that he
23 was under an order to turn himself in once the extradition
24 remedy was exhausted, and he didn't even wait until the
25 final order; he turned himself in the day before, because he

1 didn't want there to be a problem, and Mr. Botting tells me
2 that that involved him driving four-and-a-half hours from
3 his residence down to Vancouver to turn himself in so that
4 he finds himself here today.

5 So there has been no indication whatsoever of a flight
6 risk.

7 I know the Court knows this, but our position is that
8 he is innocent. Section 3142 talks about the presumption of
9 innocence. A lot of lawyers are going to say, "If you
10 contest extradition, you are not going to be able to get
11 released afterwards." Our position is that's not right.

12 The government has indicated it would be difficult,
13 from their point of view, if there were a problem, because
14 they would have to extradite.

15 And at the risk of going a little far afield, I have to
16 say, under separation of powers, we have three branches -- I
17 have heard commentators talk about three branches being the
18 House of Representatives, the Senate and the White House.
19 That is not the case.

20 It doesn't matter whether the government is concerned
21 about having to pursue extradition. What matters is whether
22 he is a flight risk. He is not. We ask the Court to
23 release him and follow the recommendation of Pretrial
24 Services. Thank you.

25 THE COURT: All right, and Ms. Woo, any rebuttal

1 or comments in response?

2 MS. WOO: Your Honor, I would only comment with
3 respect to the claim of innocence, of course, the defendant
4 is entitled to assert that presumption of innocence. There
5 is, at least with respect to the events on September 21,
6 2005, there was surveillance of his helicopter arriving in
7 the United States, removal and then seizure of the
8 marijuana, and then immediately after he arrives back in
9 Canada. He is the person who is arrested on that same day
10 in the same helicopter with the items that I have already
11 mentioned, so at least with respect to that, I think that
12 the Court can weigh the evidence in terms of the nature of
13 the offense, and certainly the government considers this to
14 be a very serious offense, which is why we have a mandatory
15 minimum.

16 With respect to the extradition proceedings, in
17 reviewing the file documents that I have, it appears that
18 the government initiated extradition shortly after the
19 indictment was returned in May of 2006, so as the Court has
20 noted, this has been a matter that has been pending for many
21 years, and we are of course not contesting that the
22 defendant has a right to assert his -- the legal process up
23 in Canada, but we are concerned about the fact that he does
24 have the ability, the access and the training to be able to
25 keep himself away from the United States, if he chose to.

1 And I am not contesting that he was in compliance in Canada;
2 what I am concerned about is whether or not he will
3 voluntarily make himself available in the United States, and
4 that based on all of the factors that we have taken into
5 consideration, we are not confident that he will do that in
6 the future.

7 THE COURT: All right, anything to add from US
8 Pretrial Services?

9 MR. McTIGHE: No, Your Honor.

10 THE COURT: So Mr. Rosenau, difficult case but I
11 am going to fashion an appearance bond. I am not going to
12 ding you for exercising your right to contest extradition --
13 it is your legal right -- and I do think that to your favor,
14 while you were facing the extradition proceeding, and
15 knowing that you could be sent back to this country, as your
16 lawyer says, knowing that the boom was lowering and
17 lowering, you didn't run away. You turned yourself in, and
18 here you are before this court.

19 So I will order that you be released on supervision.
20 You are working and living in British Columbia; is that
21 correct?

22 THE DEFENDANT: Yes.

23 THE COURT: So I am going to restrict your travel
24 to that province, where you live, and to this federal
25 district, here to Seattle, but only for the purpose of

1 court. I mean you shouldn't be coming here for other
2 purposes, like a vacation or just for fun.

3 THE DEFENDANT: I understand.

4 THE COURT: You obviously will have court
5 appearances to make, and you will have to limit it only to
6 that.

7 While you are out, you have to maintain good conduct --
8 whether it is Canadian laws or our laws, state, local,
9 federal, national laws, you should maintain good conduct.

10 Is there a travel document that was already confiscated
11 when he turned himself in?

12 MR. PLATT: No, Your Honor, it is an expired --
13 expired passport, and I think the arrangement with Pretrial
14 Services is that will be surrendered if he is released.

15 THE COURT: All right.

16 MR. PLATT: We can make those arrangements.

17 THE COURT: Do you have it already or do you know?

18 MR. PLATT: It would be -- I don't have the
19 authority. It would be in his house up in Canada and when I
20 talked to Pretrial Services this morning, they indicated
21 that it would be acceptable to them if he were directed to
22 return that -- or turn that into them. We could help with
23 those arrangements.

24 THE COURT: All right.

25 Okay, so and in terms of a surrender date, we should

1 have a date no later than, because I don't want that just to
2 be open-ended.

3 There is, of course, one sort of potential glitch in
4 that, because you are not a US citizen, we will -- Mr. Platt
5 and Ms. Woo, I don't know if you already know the situation,
6 will he have to process through immigration before actually
7 being released?

8 I know in the past there have been some defendants who
9 the Court releases, but it might take five days, it might
10 take 10 days, it might take three weeks to actually process
11 through ICE before they are actually returned to their home
12 country. I don't know if either of you are aware of the
13 situation?

14 MS. WOO: My understanding is if he has the
15 Court's appearance bond -- I don't know what form of ID he
16 has; generally, when Canadians report to court, they do
17 bring their passport, whether expired or not, so I am
18 surprised he didn't have that with him, but for his return
19 to Canada, he needs to have a form of identification. If he
20 does not have that, then he will need to make arrangements
21 to have that before he can get through the border.

22 THE COURT: He probably has his driver's license
23 or some kind of local --

24 MS. WOO: Okay.

25 THE COURT: But I guess my question was in terms

1 of setting a date by which he has to turn in his expired
2 passport, is that when I enter an order of release on this
3 criminal matter, that will release him on the criminal
4 matter. But because he is not a US citizen, I don't even
5 know whether -- or whether anyone knows whether there is
6 some other kind of immigration hold, because if there is, it
7 could delay his return to his own country.

8 MS. WOO: I am not aware of any ICE detainer.

9 THE COURT: Okay, well why don't we do this: I
10 will set a date, and how much time would be a reasonable
11 timeframe to submit his passport?

12 MR. PLATT: I am trying to recall the dates.

13 (Brief pause in proceedings)

14 THE COURT: All right, so that would be no later
15 than May 18.

16 MR. PLATT: I'm sorry, Your Honor, I was
17 looking --

18 THE COURT: Okay, so what we will do is we will
19 surrender your expired passport no later than May 18 to the
20 US Pretrial Services. If we need to change that date
21 because there is some kind of immigration hold up, I am sure
22 the parties will let me know and we can make that
23 adjustment.

24 MR. PLATT: Your Honor, there is one wrinkle here,
25 and this was actually raised in the interview with Pretrial

1 Services this morning where I was present.

2 Mr. Rosenau indicated that his passport was expired and
3 told Mr. Dotson that. If he had it, it is at his house, but
4 he is not totally sure that he still even has it, so that
5 does present a little bit of a problem.

6 I would have no fashioning the order that he be ordered
7 to turn his passport in if he has one, and notify the
8 authorities if he is unable to locate that. It is expired;
9 he doesn't travel much.

10 THE COURT: All right, why don't we do it this
11 way: If you have a passport, expired or otherwise, you need
12 to turn it in. If you don't -- if you can't find it, then
13 submit an affidavit to Ms. Busic saying, "I don't have my
14 passport; I cannot find it, or it is lost, or is gone."

15 MR. PLATT: I can arrange that through his counsel
16 up there.

17 MS. WOO: Your Honor, I do have an additional
18 request related to travel, because clearly he -- in our case
19 he was traveling to the United States and was not using a
20 passport, was avoiding the customs ports of entry, so
21 regardless of whether he has a passport or not, he has the
22 ability, he had the ability to travel freely
23 internationally.

24 It is not clear to me if he has a pilot's license. If
25 he does, I would ask that he surrender that; that he not be

1 allowed to fly any aircraft, any helicopters, anything like
2 that as part of his condition of his bond.

3 THE COURT: All right.

4 MS. WOO: Of his bond condition, as well.

5 THE COURT: Mr. Platt, do you have any objection
6 to that, no flying restriction?

7 MR. PLATT: Your Honor, Mr. Rosenau has explained
8 to me that he does not have a pilot's license at this time,
9 and our position is simply ordering him not to leave --

10 THE COURT: Well, if you don't have a license,
11 there is none to surrender, but I will include that as a
12 condition: No operation of aircraft of any kind.

13 MR. PLATT: No objection.

14 MS. WOO: Thank you.

15 THE COURT: Mr. Rosenau, you also will have to
16 maintain your residence; not change without preapproval of
17 your supervising officer. And you also shall not possess
18 any dangerous weapons, you know, firearms, explosives,
19 bullets, anything like that. Maintain your employment. And
20 if you become unemployed, you know, actively look for
21 employment.

22 If you are financially able to contribute to the costs
23 of your supervision, you will be asked to do so, and
24 obviously if you don't, you won't have to.

25 Within 24 hours of your release, you need to contact

1 the pretrial office and you will get information today as to
2 how to do that, and if you don't, that will be a violation.
3 Do you understand that?

4 And as I understand it, the pretrial office has an
5 office up at the border, and from time to time, at the
6 direction of your officer, you will be meeting at the border
7 with your US pretrial officer.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: You shall not have any contact with
11 people connected to your case, involved in your case -- even
12 if their case is over and if they have pled guilty or been
13 convicted, you're not going to be able to call them up and
14 say, "Gee, what happened in your case?" All right?

15 You have a good lawyer. You let your lawyer do his
16 job, do all the work, do all the investigation, but you need
17 to stay clear. No direct or indirect contact. Do you
18 understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: And also any witnesses. All right?
21 If there are any witnesses involved, you are to have no
22 contact whatsoever with them.

23 All right. And Mr. McTighe, did I miss any of the
24 recommended conditions?

25 MR. MCTIGHE: I don't believe so, Your Honor.

1 (Brief pause in proceedings)

2 MR. PLATT: Thank you, Your Honor.

3 THE COURT: So Mr. Rosenau, did you have enough
4 time to go over your appearance bond with your lawyer?

5 THE DEFENDANT: Well everything that is written
6 here, I am going to comply with.

7 THE COURT: All right. And you can see the very
8 first condition is you must make all of your court
9 appearances, and your bond says that there is a hearing on
10 June 27 at nine o'clock in courtroom 12B, and it is
11 important because if you willfully fail to make your court
12 appearances, the government has the power not only to say,
13 "Gee, you should be arrested immediately," but the
14 government could add additional charges for willfully
15 failing to make your court appearances you could face
16 additional imprisonment, 10 more years on top of whatever
17 you already face. It is a very serious thing.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you have any questions about any of
21 these conditions?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: And you promise you will follow these
24 conditions?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: It seems you have good legal counsel,
2 both in this country and in Canada. You know that if there
3 is a question, you call your lawyers immediately. You need
4 to look before you leap. If you have a question about
5 supervision, you will have a good supervising officer. Just
6 call them up. Just clear things up rather than getting into
7 trouble, all right?

8 THE DEFENDANT: Yes.

9 THE COURT: All right.

10 So Mr. Rosenau, I will sign the order of release and
11 this should hopefully get you on your way back home.

12 You know that -- you have gone through the extradition;
13 that is done, and when you have court, you are going to need
14 to show up.

15 THE DEFENDANT: Don't worry.

16 THE COURT: All right.

17 Anything further, Ms. Woo?

18 MS. WOO: No, Your Honor.

19 MR. PLATT: No, Your Honor.

20 THE COURT: And Mr. Platt? All right. Mr.
21 Rosenau, good luck.

22 THE CLERK: Your Honor, we are off record.

23 (End of proceedings for 5/4/2011)
24
25

CERTIFICATE

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

/Brian J. Killgore/

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